

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE A**

**10TH AUGUST 2021, AT 11.00 A.M.**

PRESENT: Councillors R. J. Deeming (Chairman), P. M. McDonald and M. A. Sherrey

Officers: Mr. R. Keyte, Mrs. A. May and Mrs S. Sellers

8/17

**ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor R. J. Deeming be appointed Chairman of the Sub-Committee for the meeting.

9/17

**TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies.

10/17

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

11/17

**APPLICATION FOR A STREET TRADING CONSENT IN RESPECT OF THE CAR PARK AT PARADE OF SHOPS, RYEFIELDS ROAD, STOKE PRIOR, B60 4ND**

The Chairman welcomed all participants to the Sub-Committee meeting.

The Chairman asked the applicant if he had been made aware that he could be represented by a legal representative at the applicant's own expense during the Hearing. The applicant confirmed that he had been made aware and was happy for the Hearing to continue.

The Sub-Committee then considered an application for street trading consent to sell fish and chips from a mobile catering unit on the car park in front of the Post Office on Ryefields Road in Stoke Prior.

The Technical Officer, Worcestershire Regulatory Services (WRS) outlined the details of the application which was for trading hours at that location from 4.00pm to 8.00 pm every Wednesday.

There had been no objections from the Responsible Authorities. However, two representations had been received from nearby residents

in relation to traffic and parking. Members were referred to the representations set out in Appendix 2 of the report.

At the invitation of the Chairman, Mr. M. S. Samra addressed the Sub-Committee in support of his application.

In summary, Mr. Samra apologised for the delay in applying for a Street Trading Licence. He had traded at the location initially in 2020 without a licence but had suspended trading pending the outcome of the application. He explained that he had a lot of experience providing fish and chips from his mobile unit and traded from a number of other village locations. The demand for mobile hot food had increased during 2020 because of Covid restrictions and he had been asked by local people in Stoke Prior to provide a hot food service. The application was for only one session a week on Wednesdays, and the serving times would be from 4.30 pm to 7.30 pm.

Mr. Samra stated that prior to ceasing trading at Stoke Prior he had not had any complaints relating to parking issues or waiting times and queues. Many customers walked to the van rather than driving. Mr. Samra felt that he was a responsible trader and did not want to cause any issues. At the same time, there was clearly a demand locally for hot food, and in summing up Mr. Samra invited the Sub-Committee to allow him to resume trading from the car park at Ryefields Road.

The Legal Advisor referred the Members to the legal framework for street trading as set out in section 5 of the report and reminded Members that no less weight should be attached to objections made by persons who had not been present at the hearing. It was established that the Members had sufficient information to make a decision.

The Chair thanked the participants for their contributions and the meeting was closed at 11.15 am. It was explained that the decision would be issued within five working days.

**RESOLVED** that the application for a Street Trading Consent be granted.

Having had regard to:

- The report presented by the Technical Officer (Licensing), Worcestershire Regulatory Services (WRS).
- The Council's Street Trading Policy.
- The written application and oral representations provided at the Hearing by Mr. Samra.
- The written objections from residents, as detailed on Appendix 2, pages 15 and 16 of the main agenda pack.

The Sub-Committee decided to allow Mr. Samra's application to proceed.

The reasons for the Sub-Committee's decision were as follows:

- The Sub-Committee noted the representations made by the applicant and specifically that the street trading consent was required only for Wednesday nights between the hours of 4pm and 8pm.
- The Sub-Committee noted that this was an experienced business operator and was satisfied that Mr. Samra had a responsible approach to trading at the proposed site.
- In considering the objections received from two local residents, with concerns over increased traffic, car parking and congestion, Members were mindful that there had not been any objection from the Responsible Authorities, in particular Highways whose primary concern would be around road safety.
- Members did not consider that granting this application would have a significant effect on road safety either from the siting of the trading activity itself or from customers visiting or leaving the site.

The following legal advice was given:

- The Sub-Committee should have regard to all of the evidence provided and decide what weight to give to the representations received.
- Regard should be given to the Council's Street Trading Policy and the criteria for granting a Street Trading Consent, as detailed at 3.7.2 on page 10 of the policy.
- The Sub-Committee should determine each application on its own merit.

There was no right of appeal against the decision of the Licensing Sub-Committee.

The meeting closed at 11.15 a.m.

Chairman